



State of Oregon  
Department of  
Environmental  
Quality

[www.oregon.gov/DEQ; Search "MS4"](http://www.oregon.gov/DEQ/Search/MS4)

# **Oregon Department of Transportation**

## **National Pollutant Discharge Elimination System**

### **Municipal Separate Storm Sewer System**

### **Individual Permit**

Oregon Department of Environmental Quality  
Stormwater Program  
700 NE Multnomah St., Suite 600  
Portland, OR 97232

*Issued pursuant to Oregon Revised Statute 468B.050 and Section 402 of the Federal Clean Water Act*

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**Issued to:** Oregon Department of Transportation (ODOT)

**Waste Load/Load Allocations (if any):** See Attachment 1.

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#### **Sources Covered By This Permit**

This permit authorizes the municipal separate storm sewer system associated with ODOT owned and/or operated roads, water quality facilities, maintenance yards, rest areas, and other facilities located in ODOT highway right-of-way to discharge stormwater to surface waters of the state, in accordance with the requirements, limitations and conditions set forth.

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Christine Svetkovich  
Water Quality Manager

Issuance Date: May 1, 2020  
Effective Date: June 1, 2020

## PERMITTED ACTIVITIES

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Until this permit expires or is modified or revoked, the permittee (ODOT) is authorized to discharge municipal stormwater to surface waters of the state only in conformance with the requirements, limitations and conditions set forth in the following schedules. Where conflict exists between specific conditions (found in Schedules A-D) and general conditions (Schedule F), the specific conditions supersede the general conditions.

Unless specifically authorized by this permit, by regulation issued by EPA, by another National Pollutant Discharge Elimination System permit, a Water Pollution Control Facilities permit, or by Oregon Administrative Rule, any other direct or indirect discharges to waters of the state is prohibited, including discharges to an underground injection control system.

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## **APPLICABILITY AND NOTIFICATION REQUIREMENTS**

### **1. Permit Coverage Area**

The permit applies to the geographic area encompassing the municipal separate storm sewer system associated with ODOT owned and/or operated roads, maintenance yards, rest areas, and other facilities located in ODOT highway right-of-way that discharge stormwater to surface waters of the state.

### **2. Renewal Requirements**

If ODOT intends to continue to operate under this permit after the permit expiration date, ODOT must submit a complete DEQ renewal application along with all other required documents to DEQ at least 180 days prior to permit expiration. DEQ will notify ODOT in writing if the renewal application has been approved or denied.

PUBLIC REVIEW DRAFT

## **SCHEDULE A - EFFLUENT LIMITATIONS, CONDITIONS, AND STORMWATER MANAGEMENT PROGRAM**

### **1. Authorized Discharges**

Subject to the terms and conditions of this permit, ODOT is authorized to discharge stormwater to surface waters of the state from its MS4, within the defined Permit Coverage Area.

This permit also conditionally authorizes discharges from ODOT's MS4, which are categorized as allowable non-stormwater discharges in Schedule A.1.d.

#### **a. Requirement to Reduce the Discharge of Pollutants**

ODOT must continue to implement its Stormwater Management Program (SMP) designed to reduce pollutants from its MS4, using the management practices, control techniques and system, and design and engineering methods identified in this permit.

#### **b. Water Quality Standards**

If ODOT complies with all the terms and conditions of this permit, it is presumed that ODOT is not causing or contributing to an excursion of the applicable water quality standards as established in OAR 340-041.

If ODOT or DEQ determines that a pollutant in ODOT's MS4 discharge is causing or contributing to an excursion of an applicable water quality standard, ODOT must take the following corrective actions:

- i. Within 48 hours of becoming aware of or being notified of the excursion, ODOT must begin to investigate the cause of the excursion;
- ii. Within 30 days of becoming aware of the excursion, ODOT must notify DEQ in writing of the excursion (for on-going or continuing excursions, a single written notification will fulfill this requirement); and
- iii. Within 60 days of becoming aware of or being notified of the excursion, ODOT must submit a report to DEQ that documents the following:
  - (A) The results of the investigation, including the date the excursion was discovered;
  - (B) A brief description of the conditions that triggered the excursion or the cause; and
  - (C) Corrective actions taken or planned, including the date corrective action was completed or is expected to be completed or referral of the information to DEQ if ODOT's activities are not the source of the pollution discharge.

ODOT must implement the corrective action(s) in coordination with DEQ, beginning upon receipt of DEQ's written response to any notification from ODOT.

DEQ may impose additional control measures, if information indicates that the discharge is causing or contributing to a violation of water quality standards and ODOT is responsible for the source of the pollution, either in the receiving waterbody or in a downstream waterbody.

#### **c. Limitations of Coverage**

The permit does not authorize:

- i. Stormwater discharges associated with industrial activities [as defined in 40 CFR §122.26(b)(14)] or stormwater associated with construction activities [as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)]. Such discharges are regulated through DEQ's NPDES

Industrial Stormwater General Permits and DEQ's NPDES Construction Stormwater General Permits, or another appropriate NPDES permit.

- ii. Stormwater discharges to underground injection control (UIC) systems.

**d. Allowable Non-Stormwater Discharges**

The discharge of non-stormwater from the MS4 is prohibited, except where such discharges satisfy one of the following conditions:

- i. The non-stormwater discharge is regulated under a separate NPDES permit.
- ii. The non-stormwater discharge originates from emergency firefighting activities.
- iii. The non-stormwater discharge is categorized as an authorized or allowable non-stormwater discharge listed below:
  - (A) Uncontaminated water line flushing.
  - (B) Landscape irrigation. For permittee owned or operated areas landscape irrigation will be considered allowable only if pesticides and fertilizers are applied in accordance with manufacturer's instructions.
  - (C) Diverted stream flows.
  - (D) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
  - (E) Rising groundwaters.
  - (F) Uncontaminated pumped ground water.
  - (G) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
  - (H) Irrigation water.
  - (I) Springs.
  - (J) Lawn watering.
  - (K) Flows from riparian habitats and wetlands.
  - (L) Fire hydrant flushing.
  - (M) Street, bridge, culvert, and pavement washwaters (provided that chemicals, soaps, detergents, steam or heated water are not used).
  - (N) Routine external building wash-down (provided that chemicals, soaps, detergents, steam or heated water are not used).
  - (O) Water associated with dye testing activity.
  - (P) Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statute (ORS) Chapter 465.

If any of these allowable non-stormwater discharges are or become a significant source of pollutants, ODOT must prohibit that discharge or require implementation of appropriate BMPs to reduce the discharge of pollutants associated with the source before discharge to the MS4 or refer the issue to DEQ if ODOT does not have the authority to prohibit it.

**2. Permittee's Responsibilities**

ODOT is responsible for permit compliance related to ODOT's permit coverage area, or where this permit requires ODOT to take an action.

**a. Coordination Among Other Public Entities**

ODOT may elect to work with or delegate implementation of one or more SMP control measures to another regulated MS4 or entity. ODOT remains responsible for compliance with any permit conditions that another permittee or entity fails to implement.

**b. Maintain Adequate Legal Authority**

ODOT must maintain adequate legal authority through code(s), interagency agreement(s), contract(s), and/or other mechanisms to control pollutant discharges into and discharges from its MS4 and to implement and enforce the conditions of this permit, to the extent allowable pursuant to ODOT's authority granted under state law.

ODOT must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable state law.

**c. Stormwater Management Program Document**

ODOT must maintain a written Stormwater Management Program Document (referred to as the SMPD), which describes in detail how ODOT complies with the required control measures in this permit. The SMPD must be updated annually and must describe ODOT's schedule for implementation of any control measure components to be developed during the term of this permit.

ODOT's SMPD must be submitted by June 1, 2021, with the first MS4 Annual Report, and be made available to the public through ODOT's publicly accessible website.

**d. SMP Information and Metrics**

ODOT must maintain a method of gathering, tracking, and using SMP information to set priorities and assess its compliance. ODOT must track activities and document program outcomes to illustrate progress on the SMP control measures (for example, the number of inspections, official enforcement actions, and/or types of public education actions, etc.), and cite relevant information and metrics, reflecting the specific reporting period, in each MS4 Annual Report, per Schedule B.

**e. SMP Resources**

ODOT must provide adequate finances, staff, equipment, and other support capabilities to implement the control measures and other requirements outlined in this permit.

**3. Stormwater Management Program Control Measures**

ODOT must continue to implement all existing SMP control measures, and, after the effective date of the permit, must begin to revise its SMP control measures, as needed, in order to implement any new control measure components required by the implementation deadline specified for that control measure in Table 1 below.

**Table 1. SMP Control Measures Implementation Schedule**

SMP Control Measures	Implementation Deadline
Public Education and Outreach	June 1, 2022
Public Involvement and Participation	June 1, 2022
Illicit Discharge Detection and Elimination	June 1, 2022
Construction Site Runoff Control	June 1, 2022
Post-Construction Site Runoff	June 1, 2023

Pollution Prevention and Good Housekeeping	June 1, 2021
Winter Maintenance Program	June 1, 2022
Stormwater Retrofit Strategy	June 1, 2024

**a. Public Education and Outreach**

ODOT must continue to conduct an ongoing education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and steps to reduce pollutants in stormwater runoff. The education and outreach program must be designed to address stormwater issues of significance within ODOT's MS4. It may incorporate elements of cooperative efforts undertaken with other regulated MS4s or efforts by other groups or organizations. If that is the case, ODOT and any other public entity involved must develop and implement a mechanism to track the public education and outreach efforts statewide and report the results annually.

**i. Implementation Dates**

No later than June 1, 2022, ODOT must implement the required components described in Schedule A.3.a.ii-v.

**ii. Education and Outreach Program**

ODOT's public education and outreach program must include educational efforts targeting the audiences listed in Schedule A.3.a.iv.

The public education and outreach program must include the activities in Schedule A.3.a.iii-v below.

**iii. Stormwater Education Activities**

ODOT must distribute or offer at least two educational messages or activities per year, one of which must be in the Willamette Basin.

Educational messages or activities may include printed materials (for example, brochures or newsletters); electronic materials (for example, social media, websites or e-newsletters); targeted workshops, or other educational events or formats.

ODOT may use existing materials if applicable. ODOT may develop its own educational materials and means of delivering its message(s). Based on the target audience's demographic, ODOT must consider delivering its selected messages and/or activities in an appropriate manner and in language(s) other than English.

**iv. Target Audiences and Topics**

ODOT must at minimum, conduct education and outreach to each target audience identified below at least once during the permit term. ODOT must focus its efforts on conveying relevant messages using the Target Topics identified below or stormwater issues of significance in its MS4.

**(A) Target Audience:**

1. The general public, including freeway commuters
2. Contractors and/or ODOT employees responsible for inspecting construction project activities (See Schedule A.3.v below).
3. Other ODOT employees, as appropriate.

**(B) Target Topics:**

1. Illicit Discharge identification and reporting procedures.



2. Impacts of illicit discharges on Oregon's waterways.
3. Impacts from roads and appropriate techniques to avoid adverse impacts.
4. Research opportunities related to stormwater.
5. Best management practices for litter and trash control.
6. Best management practices for recycling programs.
7. Low-impact development/green infrastructure.
8. Watershed awareness and how storm drains lead to local creeks and rivers, and potential impacts to fish and other wildlife.
9. Any other stormwater issues of significance identified by ODOT.

v. Tracking and Assessment

ODOT must track implementation of the Public Education and Outreach requirements. In each corresponding MS4 Annual Report, ODOT must assess its progress toward implementation of the program, including the evaluation of at least one education and outreach activity corresponding to the reporting timeframe for the associated MS4 Annual Report. In the annual report, ODOT will specify information such as dates, subject matter, and number of people involved. The assessment(s) should be used to inform future stormwater education and outreach efforts to most effectively convey the educational material to the target audience(s).

**b. Public Involvement and Participation**

ODOT must implement a public involvement and participation program that provides opportunities for the public to effectively participate in ODOT activities and processes, where applicable and/or appropriate.

i. Implementation Dates

No later than June 1, 2022, ODOT must implement the required components described in Schedule A.3.b.ii-iv.

ii. Publically Accessible Website

ODOT must maintain and promote a publicly accessible website with information on ODOT's SMP implementation, the SMPD, contact information, and educational materials. The website must be maintained with current information, and be updated at least annually. ODOT's website must incorporate the following:

- (A) Illicit Discharge Complaint or Report requirements (see Schedule A.3.c.iv)
- (B) Official SMP documents and relevant technical information
- (C) Links to all policies and/or guidance documents related to the construction and post-construction stormwater management control programs
- (D) ODOT's contact information for relevant staff, including phone numbers, mailing addresses, and email addresses

iii. Public Involvement Opportunities

ODOT must create or partner in the development of two public involvement opportunities during the permit term. ODOT may consider one of the following or a more locally relevant opportunity:

- (A) Public input through project planning and implementation process
- (B) Provide technical assistance to local watershed groups

- (C) Adopt-A-Highway
- (D) Other relevant opportunities
  - iv. Tracking and Assessment

ODOT must track implementation of the public involvement and participation requirements. In each corresponding MS4 Annual Report, ODOT must assess its progress towards implementation of the program.

**c. Illicit Discharge Detection and Elimination**

ODOT must continue to implement and enforce a program to detect and eliminate illicit discharges into the MS4, to the extent allowable by state laws. An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Conditional exceptions are identified in Schedule A.1.d. Examples of illicit discharges are provided in Section 4.3.3 of the Permit Evaluation Report (PER).

i. Implementation Date

No later than June 1, 2022, ODOT must implement all of the required components described in Schedule A.3.c.ii-vii.

ii. Mechanisms for Documentation and Follow-up

ODOT must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Schedule A.1.d) to the extent allowable under state law. ODOT must implement follow-up procedures and actions to ensure compliance.

iii. Procedures

ODOT must continue to document and track its written response procedures and process for referring illicit discharges to DEQ. The procedures must include timelines for initial compliance actions and subsequent referrals to DEQ. When updating response procedures, ODOT must prioritize actions based on factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental.

iv. Program to Detect and Eliminate Illicit Discharges

At a minimum, ODOT's program must include the following activities:

(A) Illicit Discharge Complaints or Reports

ODOT must publicize a phone number, webpage, and/or other communication channels that the public can use to report illicit discharges. The complaint/reporting communication channel must be answered or responded to by trained staff during normal business hours and must include a system to record or capture incoming complaints or reports during non-business hours.

(B) Response to Complaints or Reports

ODOT must respond to all complaints or reports of illicit discharges, as soon as possible, or within an average of two working days, unless there is a threat to human health, welfare, or the environment. An initial investigation or evaluation must occur within an average of five working days or ODOT must refer the complaint to the appropriate agency (See Schedule A.3.c.iv.C). For discharges, including spills, which constitute a threat to human health, welfare, or the environment, ODOT must respond within 24 hours. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System (800-452-0311).

(C) Notification of Other Authorities

If the illicit discharge originates, or discharges to, areas out of ODOT's jurisdictional authority, ODOT must notify the proper jurisdictional authority as soon as practicable, and at least within five working days of becoming aware of the illicit discharge.

ODOT will continue to demonstrate collaboration, cooperation, and communication with owners of bordering or crossing stormwater conveyance or control facilities, as applicable. This includes adjacent and intersecting MS4s, county road operators, and rail lines in order to control the contribution of pollutants from one portion of an MS4 to another or to an adjacent MS4 or stormwater facility or conveyance.

(D) Spill Response and Abandoned Waste

ODOT must continue to ensure that its Regions coordinate and implement appropriate spill response and abandoned waste response procedures, objectives, and policies.

These responsibilities are detailed in existing ODOT manuals, including but not limited to the Environmental Management System (EMS), Operations and Maintenance (O&M) Manuals, HazMat Program Procedures Guidebook, Highway Emergency Response Guide, and in other permits held by ODOT, such as those for UIC systems.

(E) Complaints Tracking

ODOT must maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4. The tracking system must document, at minimum the following:

1. Date the complaint was received and, if appropriate, the complainant's name and contact information.
2. Staff responding to the complaint.
3. Date the investigation was initiated.
4. The outcome of the staff investigation and any coordination with other MS4s and DEQ.
5. Corrective action(s) taken to eliminate the illicit discharges, as applicable.

Complaint tracking information must be summarized in each MS4 Annual Report.

v. Illicit Discharge Screening Program

ODOT must continue to implement a screening program to detect illicit discharge through routine maintenance and road patrol.

(A) Routine Maintenance Inspections

ODOT must inspect its facilities for non-stormwater or illicit discharges during routine maintenance activities, per the most recently approved version of ODOT's Routine Road Maintenance: Water Quality and Habitat Guide Best Management Practices (hereafter referred to as the "Blue Book"). Maintenance activities must not cause non-stormwater or illicit discharges. If there are water quality facilities that have not been inspected within three years of the permit effective date, ODOT will ensure by documentation that these facilities will be inspected once during the permit term.

(B) General Observations and Routine Road Patrol

General observations must document visual presence of flow, turbidity, oil sheen, trash, debris or scum, condition of conveyance system or outfall, color, odor and any other relevant observations related to the potential presence of non-stormwater or illicit discharges. ODOT maintenance crews must conduct road patrol on a routine

basis, in order to regularly observe stormwater related facilities, especially those in areas of high traffic or resource concern.

vi. Illicit Discharge Detection and Elimination Training and Education

ODOT must ensure that all persons responsible for investigating and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities at least once during the permit term. All staff directly responsible for conducting screening activities or responding to reports of illicit discharges and spills into the MS4 must be properly trained to conduct such activities at least once during the permit term.

vii. Tracking and Assessment

ODOT must track implementation of the IDDE program requirements. In each corresponding MS4 Annual Report, ODOT must assess its progress towards implementation of the program.

**d. Construction Site Runoff Control**

ODOT must continue to implement its ground-disturbing construction site runoff program as it develops and implement the requirements of Schedule A.3.d. In addition, ODOT must continue to implement Blue Book practices on routine maintenance actions that cause ground disturbance.

i. Implementation Dates

No later than June 1, 2022, ODOT must implement all of the required components described in Schedule A.3.d.ii-viii.

ii. Compliance with Other Permits

To the extent allowable under state law, ODOT must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all ground-disturbing projects from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the MS4 from construction sites.

ODOT must require contractors to complete and implement an Erosion and Sediment Control Plan (ESCP) for all construction project sites.

ODOT must use appropriate response procedures and actions to ensure compliance with Schedule A.3.d.ii-vi.

ODOT must maintain NPDES Construction Stormwater Permit coverage under the NPDES Construction Stormwater General Permit (1200-CA or equivalent).

ODOT must ensure compliance with all other applicable laws, regulations, permits, policies, or standards, including but not limited to: The US Army Corps of Engineer's Clean Water Act Section 404 Permits and accompanying Clean Water Act Section 401 Certifications administered by DEQ, and others as appropriate.

iii. Erosion and Sediment Control Plans

ODOT must maintain its written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in its coverage area. This includes implementing the most updated versions of Oregon Department of Transportation Highway Division Hydraulics Design Manual (hereafter referred to as the Hydraulics Manual); Erosion Control Manual: Guidelines for Developing and Implementing Erosion and Sediment Control, the Blue Book, Standard Specifications, Boilerplate Special Provisions, and any other relevant special specifications for temporary stormwater management.

iv. Erosion and Sediment Control Plans Review

ODOT must review Erosion and Sediment Control Plans from every construction project to ensure the plan is appropriate for the site, and that if implemented as designed will effectively control construction site discharges.

v. Construction Site Inspections and Documentation

ODOT must continue to implement its inspection and documentation policies and procedures, including the Boilerplate Special Provisions. This must be referenced in the SMPD. The policies and procedures should describe the conditions under which an inspection is conducted, the frequency of such inspections, how inspections are documented, and how follow-up actions are determined and implemented.

vi. Response Procedures

ODOT must continue to implement and maintain a written response procedure for all qualifying construction sites. The procedure must address violations, through progressively stricter responses supported by contracts held with contractors, to achieve compliance. ODOT must self-report and refer compliance issues to DEQ when appropriate. The procedure must include ODOT's criteria for self-reporting illicit discharges, and timelines for compliance. When formulating response procedures, ODOT must consider factors such as the amount of pollutant discharged, the type of pollutant discharge, and whether the discharge was intentional or accidental.

vii. Construction Runoff Control Training and Education

ODOT must ensure that all staff responsible for ESCP reviews, site inspections, and enforcement of ODOT's requirements are trained and certified, as appropriate, to conduct such activities. ODOT must ensure that every contractor provides an Erosion and Sediment Control Manager trained and certified as qualified to lead the project's erosion and sediment control work. ODOT will continue to provide training opportunities annually to both ODOT employees and its contractors.

viii. Tracking and Assessment

ODOT must track implementation of the Construction Site Runoff program's required activities. In each corresponding MS4 Annual Report, ODOT must assess its progress toward implementing the Construction Site Runoff program's control measures (as per Schedule A.3.d.ii-vii).

**e. Post-Construction Site Runoff Control**

ODOT must continue to implement its post-construction site runoff program to reduce discharges of pollutants and control stormwater runoff from project sites in its coverage area.

i. Implementation Deadline

No later than June 1, 2023, ODOT must ensure it is implementing all of the required components described in Schedule A.3.e.ii-viii.

ii. Compliance with Other Permits:

ODOT must use appropriate response procedures and actions to ensure compliance with Schedule A.3.d.ii-vi.

ODOT must ensure compliance with all other applicable laws, regulations, permits, policies, or standards, including but not limited to: The US Army Corps of Engineers' Clean Water Act Section 404 Nationwide Permits and accompanying Clean Water Act Section 401 Certifications administered by DEQ, Endangered Species Act (ESA) Biological Opinions

(BOs), including the Federal Aid Highway Programmatic (FAHP), local ordinances and/or permits, and others.

iii. Prioritization of Low Impact Development Requirements

ODOT must identify, minimize or eliminate barriers within its legal authority that inhibit design and implementation techniques intended to minimize impervious surfaces and reduce stormwater runoff (Low Impact Development and Green Infrastructure). Such modifications to standards are only required to the extent ODOT is permitted under federal and state laws.

iv. Post-Construction Stormwater Management Requirements

ODOT must continue implementing post-construction stormwater management requirements. Other regional regulatory requirements, such as those found in the FAHP, the Blue Book, and the Hydraulics Manual, dictate specific requirements for addressing post-construction stormwater. This permit is not intended to conflict with those requirements.

At a minimum, the program should include the following technical standards:

- (A) Flow Control Standard
- (B) Water Quality Standard
- (C) Structural Stormwater Control Design and Specifications
- (D) Allowance for Alternative Compliance (Deviation)
- (E) Stormwater Mitigation Options

v. Stormwater Management Plan Review

At a minimum, before initiating construction, ODOT must review and approve project-specific documents and plans for sites that require an engineered stormwater control facility. These documents include Hydraulics Reports, Stormwater Management Plans, FAHP Stormwater Reports, and Project Development and Construction Plan Sheets. ODOT must review plans for consistency with the specifications required by Schedule A.3.e.ii-iv.

vi. Long-Term Operation and Maintenance (O&M)

ODOT must continue to maintain an inventory and implement a strategy to ensure that all water quality facilities (WQFs) are operated and maintained to meet the site performance standard in Schedule A.3.e.iv. This strategy must, at minimum, include the following:

- (A) Inspection procedures and an inspection schedule ensuring compliance with the O&M requirements of each WQF operated by ODOT.
- (B) A tracking mechanism for documenting inspections and the O&M requirements for each stormwater control. This tracking mechanism must document any necessary maintenance. For stormwater controls that include vegetation, the O&M requirements must at minimum include requirements to maintain and/or replace vegetation to ensure the functionality of this control.
- (C) The locations of all stormwater controls installed in compliance with this permit will be included with the future MS4 Data Compilation effort (Schedule D.1), and will continue to be viewable through ODOT's public GIS interface.

vii. Training and Education

ODOT must ensure that the ODOT employees or contractors responsible for performing post-construction runoff site plan reviews, administering the alternative compliance

program, or performing O&M practices, or evaluating compliance with long-term O&M requirements are trained at least once during the permit term to conduct such activities.

viii. Tracking and Assessment

ODOT must maintain records of activities that meet the Post-Construction Site Runoff program requirements, and include a descriptive summary of the activities in the corresponding MS4 Annual Report.

**f. Pollution Prevention and Good Housekeeping**

ODOT must properly operate and maintain the MS4, using prudent pollution prevention and good housekeeping to reduce the discharge of pollutants through the MS4 to waters of the state.

i. Implementation Date

No later than June 1, 2021, ODOT must implement the required components described in Schedule A.3.f.ii-ix.

ii. Operation and Maintenance Strategy for Existing Controls

For existing WQFs, ODOT must continue to implement an operation and maintenance strategy for ODOT-owned controls. The O&M strategy for stormwater controls must include, at minimum, the long-term O&M requirements in Schedule A.3.e.vi.

iii. Other Activities:

ODOT must implement the following activities, as practicable:

(A) EMS Program

(B) Inspect and clean catch basins on an as-needed basis

(C) Implement the Integrated Vegetation Management Plan (or equivalent)

(D) Litter Control

(E) Appropriate Materials Disposal

iv. Stormwater Infrastructure Staff Training

ODOT must ensure that staff responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations are trained at least once during the permit term to conduct such activities.

v. Tracking and Assessment

ODOT must maintain records for EMS, and include a descriptive summary of these activities in the corresponding MS4 Annual Report.

**g. Winter Maintenance Program**

ODOT must continue to implement its Winter Maintenance and Operations Program that limits impacts to water quality.

i. Implementation Date

No later than June 1, 2022, ODOT must implement the required components described in Schedule A.3.g.ii-v.

ii. Mechanisms for Documentation

ODOT must continue to implement a Winter Maintenance and Operations Program for all ODOT-owned and operated controls.

(A) Winter Materials Management and EMS

ODOT must ensure that winter materials (including solid salt, deicers including but not limited to magnesium chloride [MgCl<sub>2</sub>], and abrasives) are utilized and stored properly, according to most updated and accepted practices and any permit, policy, standard, law, or regulation in effect during the permit term. ODOT must utilize its EMS Program to ensure proper storage, and its Blue Book to ensure proper use, of these materials.

(B) Winter Maintenance Strategy

ODOT must provide one electronic copy of its most recent Winter Maintenance Strategy to DEQ when the Winter Maintenance Strategy is updated during the permit term. The strategy must be submitted electronically with the next MS4 Annual Report after the document's update.

(C) Winter Maintenance Annual Report

Winter Maintenance Annual Reports must be included as an appendix to the MS4 Annual Report required by this permit. Information may include tracking information on materials used, and quantities used in relation to distance (e.g. pounds per mile) for areas in the state where that data is available or becomes available during the permit term (Schedule D.1).

(D) Studies on Winter Maintenance Materials

ODOT will continue to track and research (as funding is available) best management practices related to the management and application of winter maintenance materials. ODOT must provide DEQ with an electronic copy of *Assessing the Impact of the ODOT Winter Salt Pilot Project on Neighboring Streams and Groundwater*, with the next annual report after completion.

iii. Winter O&M Staff Training

ODOT must make appropriate training available annually to its employees and applicable contractors, to ensure that staff comply with long-term Winter O&M requirements, and pollution prevention at facilities and during operations.

iv. Tracking and Assessment

ODOT must maintain records for activities to meet the requirements of the Winter Maintenance and Operation program requirements and include a descriptive summary of its activities in the corresponding MS4 Annual Report.

**h. Stormwater Retrofit Strategy**

ODOT must develop a Stormwater Quality Retrofit Strategy that addresses areas identified by ODOT as having an impact on water quality, and that are underserved, difficult to maintain in its current design, or lacking stormwater quality controls.

i. Implementation Date

No later than June 1, 2024, ODOT must implement all of the required components described in Schedule A.3.h.ii-iv.

ii. Statewide Stormwater Facility Evaluation and Objectives



The stormwater retrofit strategy must be based on an ODOT-defined set of stormwater quality retrofit objectives and a comprehensive evaluation of a range of retrofit control measures and its appropriate use. The ODOT-defined objectives must prioritize progress toward improving water quality.

iii. Stormwater Retrofit Strategy Document

ODOT must develop and submit a Stormwater Retrofit Strategy Document to DEQ that ODOT will use to guide and prioritize the implementation of its stormwater retrofit strategy. The Stormwater Retrofit Strategy Document may include:

- (A) Stormwater retrofit strategy statement and summary, including objectives and rationale;
- (B) Summary of current stormwater retrofit control measures being implemented, and current estimate of annual program resources directed towards stormwater retrofits;
- (C) Identification of existing facilities impacting water quality that are high priority retrofit areas;
- (D) Consideration of new stormwater control measures;
- (E) Preferred retrofit structural control measures, including applicable rationale;
- (F) A plan to develop a retrofit control measure project or approach priority list, including rationale, identification and map of potential stormwater retrofit locations where appropriate, and an estimated timeline and cost for implementation of each project or approach.

iv. Tracking and Assessment

ODOT must maintain records for activities to meet the requirements of the Stormwater Retrofit program requirements and include a descriptive summary of their activities in the corresponding MS4 Annual Report.

## **SCHEDULE B - MONITORING AND REPORTING REQUIREMENTS**

### **1. MS4 Annual Report**

#### **b. Compliance Evaluation**

At least once per year, ODOT must evaluate its compliance with the requirements of this permit in the MS4 Annual Report. This self-evaluation includes an assessment of progress toward implementing the SMP control measures in Schedule A, and implementation of actions to comply with any additional requirements identified pursuant to Schedule D.

#### **c. Annual Report Schedule**

No later than June 1 each year, beginning in 2021, ODOT must submit an MS4 Annual Report to DEQ. ODOT must use the MS4 Annual Report form provided by DEQ. Reporting periods for subsequent MS4 Annual Reports are specified in Table 2 below. ODOT must make all MS4 Annual Reports available to the public, including any required documents attached to the MS4 Annual Report, through ODOT's maintained website.

**Table 2. MS4 Annual Report Deadlines**

MS4 Annual Report	Reporting Period	Due Date
Last annual report under previous permit	January 1, 2019-December 31, 2019	April 1, 2020
1st Year Annual Report	January 1, 2020 - December 31, 2020	June 1, 2021
2nd Year Annual Report	January 1, 2021 - December 31, 2021	June 1, 2022
3rd Year Annual Report	January 1, 2022 - December 31, 2022	June 1, 2023
4th Year Annual Report	January 1, 2023 - December 31, 2023	June 1, 2024
5th Year Annual Report	January 1, 2024 - December 31, 2024	June 1, 2025

### **2. Applicable Monitoring Requirements**

ODOT must comply with any applicable monitoring requirements the most recent TMDL Implementation Plan. If ODOT performs stormwater monitoring at outfall locations, and/or in the receiving waterbody, all monitoring data must be submitted to DEQ. If new monitoring efforts are conducted during the permit term, ODOT will submit data using the electronic template developed by DEQ.

### **3. Submissions**

ODOT must provide DEQ with one unbound hard copy with wet signature and one electronic copy (on a portable electronic storage device or via email) of the MS4 Annual Report and any supplemental information required by the due date in Table 2, above. For electronic submittal of documents (i.e., e-Reporting), DEQ will provide ODOT with instructions for submittal when e-Reporting becomes a requirement. Once ODOT is required to submit electronically, it will no longer be required to submit such materials to DEQ in hardcopy.

All hardcopy MS4 Annual Reports, attachments, and other required submittals must be sent to DEQ at the following address:

Oregon Department of Environmental Quality  
MS4 Stormwater Program, Attention: 7th Floor  
700 NE Multnomah St., Suite 600

Portland, OR 97232

MS4Stormwater@deq.state.or.us

#### **4. Recordkeeping**

a. Records Retention

ODOT must retain records and copies of all information (for example, all monitoring, calibration, and maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; copies of all reports required by this permit; annual reports; a copy of the NPDES permit; and, records of all data or information used in the development and implementation of the SMP) for a period of at least five years from the permit compliance action date or for the term of this permit, whichever is longer. This period may be extended at the request of DEQ at any time.

b. Availability of Records

ODOT must submit records to DEQ when requested. ODOT must also make all records described above available to the public, if requested to do so in writing. The public must be able to view the records during normal business hours.

## **SCHEDULE C - COMPLIANCE CONDITIONS AND DATES**

Compliance conditions and dates are not included at this time.

PUBLIC REVIEW DRAFT

## **SCHEDULE D - SPECIAL CONDITIONS**

### **1. MS4 Data Compilation**

ODOT must compile and store the most updated digital data related to the physical and discharge characterization of its MS4. ODOT must summarize its findings and progress toward characterizing its MS4 related to the topics below. ODOT must coordinate with DEQ to ensure that established data standards facilitate the use of the data to identify statewide trends related to the ODOT MS4. ODOT must develop a database and/or GIS interface that will be available to DEQ upon request. When in digital format, ODOT must fully describe mapping standards in the SMPD.

#### **i. Implementation Date**

ODOT must submit this information by June 1, 2024, at the submission of the fourth MS4 Annual Report and permit reapplication. Prior to this date, all existing data must be shared with DEQ upon request.

#### **ii. Past Monitoring and Assessment Efforts Related to Stormwater**

ODOT must compile data collected during the previous permit term, and any relevant data collected as part of other efforts, into one digital inventory to characterize its MS4 statewide.

##### **(A) Outfall, Conveyance, and WQFs**

ODOT's MS4 inventory must include the location and physical characterization of all available outfalls, conveyance systems, and stormwater control locations collected by ODOT or consultants contracted by ODOT since 1999.

##### **(B) Monitoring Data**

ODOT's MS4 map and digital inventory must include any and all available monitoring data collected by ODOT or consultants contracted by ODOT since 1999.

##### **(C) Tracking and Assessment Data**

ODOT must include any tracking information related to water quality control measures in this digital inventory.

##### **(D) Additional Data for Characterizing the ODOT MS4**

#### **iii. Retrofit Opportunities Analysis and Priority List**

When ODOT completes its Retrofit Program Strategy Document and identified priority locations for improved stormwater control facilities as described in Schedule A.3.h above, ODOT must include this information in its collective digital data.

#### **iv. Stormwater Data Review and Data Gap Analysis**

ODOT must start work to identify where geographic or subject-area gaps in data exist, and summarize the analysis in a final report included with the fourth MS4 Annual Report and permit reapplication, by June 1, 2024. If this analysis is completed within the permit term, ODOT must consult with DEQ to prioritize how to address the identified geographic-, subject-, or pollutant-specific gaps in information.

#### **v. Research Opportunities**

##### **(A) Winter Maintenance Materials Monitoring**

ODOT must consider the use of the best available technology for winter maintenance product storage and proper use on its facilities, as practicable. Potential materials used for

winter maintenance include solid salt, de-icers (including  $MgCl_2$ ), and abrasives (rock, sand, and/or gravel).

As information becomes available, ODOT must also include digital data pertaining to winter maintenance where possible, including, but not limited to:

1. Location of maintenance yards and structures containing winter maintenance materials;
2. Locations of use of winter maintenance materials;
3. Quantities used in relation to distance (e.g. pounds per mile);
4. Other potentially useful information found through research that may help inform the effect that winter maintenance materials are having on receiving waters.

(B) Other Research Opportunities

ODOT must continue to facilitate opportunities to research topics that will help improve water quality related to the Oregon's transportation system.

vi. Tracking and Assessment

ODOT will track will provide an assessment of progress towards implementation of the program components in each corresponding Annual Report.

## 2. Requirements for Discharges to Impaired Waterbodies

i. Applicability

The requirements of Schedule D.2 apply to MS4 discharges to receiving waters with established TMDLs and with new or modified TMDLs approved by EPA before the effective date of the permit where ODOT is identified as a DMA or under transportation, and/or urban stormwater is identified as a source of TMDL pollutant loading. Schedule D.2 also applies to MS4 discharges to receiving waters identified as impaired on DEQ's current Integrated Report and 303(d) list for particular pollutants, identified before the effective date of the permit. Established TMDLs in ODOT's coverage area are noted in Attachment 1 of this permit.

ii. Updated TMDL Implementation Plan

ODOT and DEQ will work collaboratively to update ODOT's most current TMDL Implementation Plan. Work to update this plan will commence during this permit term. ODOT will submit a draft plan to DEQ by June 1, 2023.

iii. Performance Measures

DEQ incorporated performance measures in Schedule A.3.c, d, e, and f to address water quality impairments and EPA-approved TMDL allocations issued to date. Compliance with the permit's terms and conditions is presumed to be in compliance with applicable TMDL allocations issued before the effective date of this permit.

### 3. Definitions:

- a. **Total Maximum Daily Load (TMDL)** or **applicable TMDL** is the calculated pollutant amount that a waterbody can receive and still meet Oregon water quality standards. TMDLs that are included have been approved by EPA on or before the issuance date of this permit. A TMDL is the sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and background.
- b. **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also mean treatment requirements operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40 CFR § 122.2 and 122.44(k). For the purposes of this permit, BMPs are synonymous with structural and non-structural stormwater controls and include the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution.
- c. **CFR** means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.
- d. **Clean Water Act (CWA)** refers to what was formally called the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].
- e. **Construction activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and non-residential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).
- f. **Erosion and Sediment Control Plan** is a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in stormwater runoff. For the purposes of this permit, an ESCP means a document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable Permit requirements.
- g. **Control Measure**, as used in this permit, refers to any action, activity, Best Management Practice or other method used to control the discharge of pollutants in MS4 discharges.
- h. **Discharge** of a pollutant means any addition of any “pollutant” or combination of pollutants to “waters of the state” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from surface runoff, which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger” [40 CFR §122.2].
- i. **Engineered Best Management Practices or BMPs** are stormwater controls that are physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in stormwater to minimize the impacts of stormwater on waterbodies. As noted in the 64 Federal

Register 68760 (December 9, 1999), examples of structural stormwater controls or BMPs include: (1) storage practices such as wet ponds and extended-detention outlet structures; (2)filtration practices such as grassed swales, sand filters and filter strips; and, (3) infiltration practices such as infiltration basins and infiltration trenches.

- j. **Erosion** is the process of carrying away soil particles by the action of water, wind, or other process.
- k. **Evaporate** is rainfall that is changed or converted into a vapor.
- l. **Final Stabilization** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials), provided that measures are in place to eliminate or minimize erosion.
- m. **Green Infrastructure (GI)** is a specific type of stormwater control using vegetation, soils, and natural processes to manage stormwater. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems designed to mimic nature by reducing and/or storing stormwater through infiltration, evaporation, and transpiration. At the scale of city or county, green infrastructure refers to the patchwork of natural areas that provides flood protection and natural processes that remove pollutants from stormwater.
- n. **Impaired Water** means any waterbody that does not meet applicable water quality standards for one or more parameters as identified on Oregon's 303(d) list.
- o. **Infiltration** is the process by which stormwater penetrates into soil.
- p. **Illicit Discharge** is any discharge to a municipal separate storm sewer system that: (1) is not composed entirely of stormwater except discharges authorized under Section A.4.a.xii., (2) discharges permitted by a NPDES permit or other state or federal permit, or (3) otherwise authorized by DEQ.
- q. **Impervious Surface** any surface resulting from development activities that prevents the infiltration of water or results in more runoff than in the undeveloped condition. Common impervious surfaces include building roofs, traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads, and packed earthen materials.
- r. **Load Allocation (LA)** means the portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background sources.
- s. **Low Impact Development (LID)** is a stormwater management approach that seeks to mitigate the impacts of increased runoff and stormwater pollution using a set of planning, design and construction approaches and stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater, and can occur at a wide range of landscape scales (i.e., regional, community and site). Low impact development is a



comprehensive land planning and engineering design approach to stormwater management with a goal of mimicking the pre-development hydrologic regime of urban and developing watersheds.

- t. **Maximum Extent Practicable (MEP)** is the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by Section 402(p)(3)(B)(iii) of the Clean Water Act [33 U.S.C §1342(p)(3)(B)(iii)].
- u. **Minimize** means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.
- v. **Municipal Separate Storm Sewer System (MS4)** is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2.
- w. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.
- x. **National Pollutant Discharge Elimination System (NPDES)** is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of Clean Water Act [40 CFR §122.2].
- y. **Non-engineered Best Management Practices or BMPs** are stormwater controls in the form of development standards or other regulatory mechanisms intended to minimize and treat stormwater by minimizing impervious surfaces and by using soil infiltration, evaporation, and transpiration. These controls may also take the form of procedural practices to prevent pollutants from contaminating stormwater. The use of this term in this Permit is consistent with the discussion of non-structural stormwater BMPs in 64 Federal Register 68760 (December 9, 1999) which encompasses preventative actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive waterbodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about project designs that minimize water quality impacts; and (4) other measures such as minimization of the percentage of impervious area after development, use of measures to

minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

- z. **Outfall** is defined as a point source at the point where a municipal separate storm sewer discharges to waters of the State, and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.
- aa. **Owner** or **Operator** is the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
- bb. **Pesticide** as used this Permit carries the same definition as used in the Federal Insecticide, Fungicide, and Rodenticide Act and is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Under FIFRA, pest is any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism.
- cc. **Point Source** means a discernible, confined, and discrete conveyance including, but not limited to, a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or leachate collection system from which pollutants are or may be discharged. Point source does not include agricultural storm water discharges and return flows from irrigated agriculture.
- dd. **Pollutant** is dredged spoil; solid waste; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.
- ee. **Post-Construction Site Runoff Plan** is a plan developed by a site owner or operator and/or their designer to demonstrate compliance with the post-construction stormwater management and long-term operation and maintenance requirements of this permit.
- ff. **Stormwater** or **stormwater runoff** includes snow melt runoff, and surface runoff and drainage, and is defined in 40 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.
- gg. **Stormwater Management Program (SMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the SMP consists of the actions and activities conducted by ODOT as required by the permit and described in ODOT’s Stormwater Management Program Document.
- hh. A **Stormwater Management Program Document (SMPD)** is the written summary describing the unique and/or cooperative means by which a permittee or entity implements the specific stormwater management control measures required by the permit.
- ii. **Transpiration** means to release water vapor into the atmosphere through plant stomata.
- jj. **Toxic Pollutants** means those substances, pollutants, or combinations of pollutants, including disease-causing agents, that after introduction to waters of the state and upon exposure, ingestion, inhalation or assimilation either directly from the environment or indirectly by ingestion through food chains will cause death, disease, behavioral abnormalities, cancer,

genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in any organism or its offspring.

- kk. **Waste Load Allocation (WLA)** means the portion of a receiving water's loading capacity allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.
- ll. **Waters of the State** means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

## **SCHEDULE F - NPDES PERMIT GENERAL (MS4)**

*Revision Date, October 1, 2015*

The general conditions in this schedule apply only to the extent they do not conflict with the requirements contained in Schedules A through E. If the permit requirements in Schedule A through D conflict with these general conditions, the permit requirements in Schedule A through D will control.

### **SECTION A. STANDARD CONDITIONS**

#### **A1. Duty to Comply with Permit**

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

#### **A2. Penalties for Water Pollution and Permit Condition Violations**

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$25,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$25,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine up to \$250,000, imprisonment for not more than 10 years or both. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

#### **A3. Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a waste load under a Total Maximum Daily Load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions.
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR § 122.62, 122.64, and 124.5.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

## **SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

### **B1. Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### **B2. Need to Halt or Reduce Activity Not a Defense**

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **B3. Bypass of Treatment Facilities**

#### **a. Definitions**

- (1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

#### **b. Prohibition of bypass.**

- (1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
  - iii. The permittee submitted notices and requests as required under General Condition B3.c.
- (2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, when DEQ determines that it will meet the three conditions listed above in General Condition B3.b(1).

#### **c. Notice and request for bypass.**

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

**B4. Upset**

- a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the causes(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
  - (4) The permittee complied with any remedial measures required under General Condition A3 hereof.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

**B5. Treatment of Single Operational Upset**

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

**B6. Public Notification of Effluent Violation**

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B7. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

**B7. Emergency Response and Public Notification Plan**

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
- b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials that will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
- e. Provide emergency operations; and
- f. Ensure that DEQ is notified of the public notification steps taken.

**B8. Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

**SECTION C. MONITORING AND RECORDS**

**C1. Representative Sampling**

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

**C2. Flow Measurements**

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than  $\pm 10$  percent from true discharge rates throughout the range of expected discharge volumes.

**C3. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.



C4. Penalties for Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a discharge monitoring report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

- a. The date, exact place, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

**C11. Confidentiality of Information**

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

**SECTION D. REPORTING REQUIREMENTS**

**D1. Planned Changes**

The permittee must comply with OAR 340-052, "Review of Plans and Specifications" and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

**D2. Anticipated Noncompliance**

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

**D3. Transfers**

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

**D4. Compliance Schedule**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

**D5. Twenty-Four Hour Reporting**

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee

becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

The following must be included as information that must be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass that exceeds any effluent limitation in this permit;
- b. Any upset that exceeds any effluent limitation in this permit;
- c. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
- d. Any noncompliance that may endanger human health or the environment.

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- e. A description of noncompliance and its cause;
- f. The period of noncompliance, including exact dates and times;
- g. The estimated time noncompliance is expected to continue if it has not been corrected;
- h. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
- i. Public notification steps taken, pursuant to General Condition B7.

DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**D6. Other Noncompliance**

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5, at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

**D7. Duty to Provide Information**

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

**Other Information:** When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

**D8. Signatory Requirements**

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

**D9. Falsification of Information**

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit,

including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**D10. Changes to Discharges of Toxic Pollutant**

The permittee must notify DEQ as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
  - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
  - (4) The level established by DEQ in accordance with 40 CFR § 122.44(f).

**SECTION E. DEFINITIONS**

- E1. *BOD* or *BOD<sub>5</sub>* means five-day biochemical oxygen demand.
- E2. *CBOD* or *CBOD<sub>5</sub>* means five-day carbonaceous biochemical oxygen demand.
- E3. *TSS* means total suspended solids.
- E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
- E5. *FC* means fecal coliform bacteria.
- E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
- E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
- E8. *mg/l* means milligrams per liter.
- E9. *µg/l* means microgram per liter.
- E10. *kg* means kilograms.
- E11. *m<sup>3</sup>/d* means cubic meters per day.
- E12. *MGD* means million gallons per day.
- E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges

measured during a calendar month divided by the number of daily discharges measured during that month.

- E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
- E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
- E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- E18. *Quarter* means January through March, April through June, July through September, or October through December.
- E19. *Month* means calendar month.
- E20. *Week* means a calendar week of Sunday through Saturday.

<b>DRAFT - Attachment 1</b>		
TMDL Water Quality Management Plan (WQMP)	Impairment/Pollutant <sup>1</sup>	Waste Load Allocation, Load Allocation, or Both?
Grande Ronde - Lower	Bacteria	LA
Grande Ronde - Upper	Dissolved Oxygen	LA
Grande Ronde - Upper	pH	LA
Grande Ronde - Upper	Nutrients	LA
John Day	Bacteria	LA
John Day	Dissolved Oxygen	LA
John Day	Biological Criterion	LA
Klamath - Upper Klamath & Lost River	Dissolved Oxygen	LA
Klamath - Upper Klamath & Lost River	pH	LA
Klamath - Upper Klamath & Lost River	Ammonia Toxicity	LA
Klamath - Upper Klamath & Lost River	Chlorophyll-a	LA
Snake River/Hells Canyon	Bacteria	LA
Snake River/Hells Canyon	Nutrients, Nuisance Algae and Dissolved Oxygen	LA
Snake River/Hells Canyon	Pesticides	LA
Snake River/Hells Canyon	pH	LA
Snake River/Hells Canyon	Sediment	LA
Umatilla	Sediment	LA
Umatilla	Aquatic Weeds, Algae, and pH	LA

Umatilla	Nitrate	LA
Umatilla	Ammonia	LA
Umatilla	Bacteria	LA
Willow Creek	pH	LA
Willow Creek	Bacteria	LA
North Coast -Lower Columbia-Youngs, Lower Columbia-Clatskanie, Necanicum and Nehalem	Bacteria	LA
Sandy	Dissolved Oxygen	LA
Sandy	Bacteria	LA
Wilson-Trask-Nestucca	Bacteria	LA
Wilson-Trask-Nestucca	Sediment	LA
Tillamook	Bacteria	LA <sup>2</sup>
Tualatin	Bacteria	LA
Tualatin	Volatile Solids and Ammonia	LA
Tualatin	Total Phosphorus (pH and Chlorophyll-a)	LA
Rogue - Illinois (Upper and Lower Sucker Creek)	Habitat	LA
Rogue - Illinois (Upper and Lower Sucker Creek)	Flow	LA
Rogue	Bacteria	LA
Rogue -Middle (Bear Creek)	Sediment	LA
Rogue -Middle (Bear Creek)	Bacteria	LA
South Coast - Coos Tenmile	Aquatic Weeds (Macrophytes)	LA
South Coast - Coos Tenmile	Phytoplankton (floating algae)	LA
South Coast - Coos Tenmile	Chlorophyll-a	LA

South Coast - Coos Tenmile	pH	LA
Umpqua	Dissolved Oxygen	LA
Umpqua	Nutrients (Nitrogen and Phosphorus)	LA
Umpqua	Bacteria	LA
Umpqua	Sediment	LA
Umpqua Little River	pH	LA
Umpqua Little River	Sediment	LA
Willamette	Bacteria	WLA (2006)
Willamette	Mercury	WLA (2006)/ WLA (2019)
Lower Willamette	Bacteria	WLA
Lower Willamette	Mercury	WLA
Lower Willamette	DDT/Deildrin	WLA
Columbia Slough	BOD (to address DO impairments)	WLA
Columbia Slough	pH/Nutrients	LA
Columbia Slough	Bacteria	LA
Columbia Slough	Lead	LA
Columbia Slough	DDT/Deildrin/dioxin, PCBs (via TSS reductions)	LA

<sup>1</sup>Temperature is not included as an impairment because stormwater is not considered a contributor.

<sup>2</sup>listed as "other partners" under Action 19